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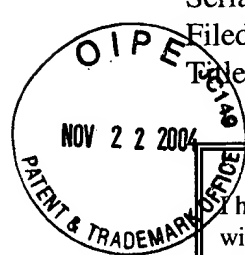
ATTORNEY'S DOCKET NO.: U0003/7005 (formerly U0139-7001)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: John McCune Anderson
Serial No.: 09/980,971
Filed: April 12, 2002
Title: CARDIAC DEFIBRILLATION

Examiner: George C. Manuel
Group Art Unit: 3762
Conf. No.: 3594



CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence (and any paper or fee referred to as being enclosed) is being deposited with the United States Post Office as First Class Mail on the date indicated in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

11-18-04

Date

Signature

DEBRA M. DONOHERTY

Typed or Printed Name of Person Signing Certificate

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Transmitted herewith are the following documents.

1. Petition for Withdrawal of Notice of Abandonment Under 37 C.F.R. §1.181;
2. Exhibit A;
3. Exhibit B; and
4. Return postcard.

If the enclosed papers are considered incomplete, the Mail Room or other persons are respectfully requested to contact the undersigned collect at (617) 261-3100.

No fee is believed due with this paper. If any fees are deemed due, please charge them to Deposit Account No. 50-1721, Reference No. 0514325.0106. A duplicate of this letter is enclosed for accounting purposes.

Respectfully submitted,

Joyce C. Hersh

Reg. No. 42,890

KIRKPATRICK & LOCKHART, LLP

75 State Street

Boston, MA 02109-1808

Tel: 617-261-3100

Fax: 617-261-3175

Date:

November 18, 2004



ATTORNEY'S DOCKET NO.: U0003/7005 (formerly U0139-7001)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-----------------|------------------------|-----------------|------------------|
| Application of: | John McCune Anderson | Examiner: | George C. Manuel |
| Serial No.: | 09/980,971 | Group Art Unit: | 3762 |
| Filed: | April 12, 2002 | Conf. No.: | 3594 |
| Title: | CARDIAC DEFIBRILLATION | | |

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

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11-18-04
Date

Debra M. Donnelly
Signature

DEBRA M. DONNELLY
Typed or Printed Name of Person Signing Certificate

**Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

**PETITION FOR WITHDRAWAL OF
NOTICE OF ABANDONMENT
UNDER 37 C.F.R. § 1.181**

Sir:

Applicants petition under 37 C.F.R. § 1.181(a) to request withdrawal of the holding of abandonment dated October 29, 2004 based on the enclosed evidence that the reply was timely mailed and request the return of the application to the examiner for further examination. MPEP 711.03(c)(I). Applicants believe that this petition does not require a fee because the Applicants contend that the application is not in fact abandoned, and that the Notice of Abandonment was issued improperly. MPEP 711.03(c)(I).

On April 21, 2004, an Office Action was mailed from the Office. On October 21, 2004, a Reply to the Office Action was timely filed under 37 C.F.R. § 1.8, along with a Petition for Extension of Time, a check for the appropriate fee and a postcard receipt. The postcard receipt was stamped as received by the Office of Initial Patent Examination on October 25, 2004.

Attorney Docket No.: U0003/7005

Filed: April 12, 2002

Petition For Withdrawal Of Notice Of Abandonment

U.S. App. No. 09/980,971

Inventor: Anderson

Page 2

A telephone conversation between the undersigned and Examiner Manuel confirmed that the Reply and related documents contained a certificate of mailing under 37 C.F.R. § 1.8(a), indicating that the Reply and related documents were mailed by First Class Mail on October 21, 2004. The Reply should therefore be afforded a filing date of October 21, 2004, and Applicants respectfully submit that the Notice of Abandonment was therefore issued in error.

Copies of the Reply, Petition for Extension of Time, check for fees, and postcard receipt are submitted herewith as Exhibit A.

On November 25, 2003, Applicants submitted a change of power of attorney to the practitioners at customer number 022832. This was received by the Office on November 28, 2003. Copies of the powers and stamped postcard receipt are submitted herewith as Exhibit B. Applicants respectfully request that the Office records be updated to indicate that responsibility for the able-captioned patent application lies with the practitioners associated with customer number 022832.

Applicants respectfully request that the holding of abandonment be withdrawn, and that power of attorney be transferred to the practitioners at customer number 022832. Applicants further request that any reduction in patent term be adjusted to reflect the timely filing of the response to the office action.

Attorney Docket No.: U0003/7005

Filed: April 12, 2002

Petition For Withdrawal Of Notice Of Abandonment

U.S. App. No. 09/980,971

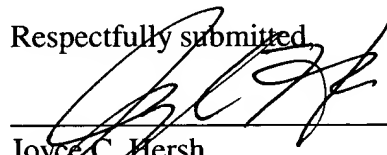
Inventor: Anderson

Page 3

If the enclosed papers are considered incomplete, the Mail Room or other persons are respectfully requested to contact the undersigned collect at (617) 261-3100.

No fee is believed due with this paper. If any fees are deemed due, please charge them to Deposit Account No. 50-1721, Reference No. 0514325.0106. A duplicate of this letter is enclosed for accounting purposes.

Respectfully submitted,



Joyce C. Hersh

Reg. No. 42,890

KIRKPATRICK & LOCKHART, LLP

75 State Street

Boston, MA 02109-1808

Tel: 617-261-3100

Fax: 617-261-3175

Date:

November 18, 2004

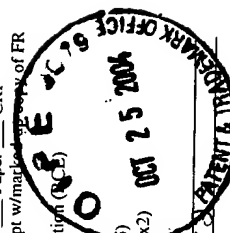
Serial No. 09/980,971 File No. U0003/7005 By JLS/MEB

Applicant(s): John McGuire Anderson

Title: Cardiac Defibrillation

The following were received in the PTO Mail Room on the date stamped hereon:

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| <input type="checkbox"/> Cert. of Mailing by Express Mail under 37 CFR 1.10 | <input type="checkbox"/> Information Disclosure Statement, Form PTO-1449 and cited references |
| <input checked="" type="checkbox"/> Express Mail Label No. <u> </u> | <input type="checkbox"/> Priority Document(s) <u> </u> |
| <input checked="" type="checkbox"/> Cert. of Mailing under 37 CFR 1.8(a) | <input type="checkbox"/> Response to and Copy of <u> </u> |
| <input type="checkbox"/> Provisional Patent Application Cover Sheet | <input type="checkbox"/> Notice to File Missing Parts <u> </u> Notice to Comply |
| <input type="checkbox"/> New Patent Application Transmittal | <input type="checkbox"/> Sequence Listing <u> </u> Substitute <u> </u> Paper <u> </u> CRF |
| <input type="checkbox"/> Transmittal of Filing (35 USC 371) (PTO-1390) (<u> </u> pgs) | <input type="checkbox"/> Request for Continued Examination (RCE) <u> </u> pgs |
| <input type="checkbox"/> ISR <u> </u> IPER <u> </u> PCT/IB/308 | <input checked="" type="checkbox"/> Amendment/Reply (<u> </u> pgs) |
| <input type="checkbox"/> Patent Application (<u> </u> pgs) <u> </u> Design Patent App. | <input type="checkbox"/> Request for Continued Examination (RCE) <u> </u> pgs |
| <u> </u> pgs Spec'n, <u> </u> pgs Abstract, <u> </u> pgs Data Sheet | <input type="checkbox"/> Notice of Appeal |
| <u> </u> pgs Claims (claims 1 - <u> </u>) app. title sheet | <input type="checkbox"/> Brief (<u> </u> pgs) (x3) |
| <input type="checkbox"/> Non-Publication Request Under 35 U.S.C. § 122(b)(2)(B)(i) | <input type="checkbox"/> Issue Fee Transmittal (PTOL-86) |
| <input type="checkbox"/> Drawings: <u> </u> Sheet(s) (FIGS. <u> </u>) | <input type="checkbox"/> Petition for Extension of Time (x2) |
| <u> </u> Formal or <u> </u> Informal | <input checked="" type="checkbox"/> Fee Transmittal (x2) |
| <input type="checkbox"/> Trans'l of Formal Drawings/Ltr to Official Draftsman (<u> </u> pgs) | <input checked="" type="checkbox"/> Check for \$ <u>490</u> |
| <input type="checkbox"/> Declaration and Power of Attorney (<u> </u> substitute) (<u> </u> pgs) | <input checked="" type="checkbox"/> Check No(s) <u>5004378</u> |
| <input type="checkbox"/> Associate/Additional/Revocation of Power of Attorney | <input checked="" type="checkbox"/> Transmittal Letter (x2) |
| <input type="checkbox"/> Assignment (<u> </u> pgs) and Form PTO-1595 (<u> </u> pgs) | |
| <input type="checkbox"/> Other | |



MAILED October 21, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|------------|--------------------------|-----------|--------------------|
| Applicant | : John McCune Anderson | Unit | : 3762 |
| Serial No. | : 09/980,971 | Examiner | : George C. Manual |
| Filed | : April 12, 2002 | Conf. No. | : 3594 |
| Title | : CARDIAC DEFIBRILLATION | | |

CERTIFICATE OF MAILING

I hereby certify that this correspondence along with all papers or documents referred to therein as being attached or enclosed is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 21, 2004.

Lynne A. Falzarano

Lynne A. Falzarano

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing are the following documents:

- [XX] Amendment and Reply (8 pages)
- [XX] Petition for Extension of Time and \$490 check
- [XX] Postcard Receipt

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned collect at (617) 261-3100, Boston, Massachusetts.

Please charge any fees or credits to the account of the undersigned, Deposit Account No. 50-1721, reference 0514325/0106. A duplicate of this sheet is enclosed for accounting purposes.

Respectfully submitted,

Mark E. Baron

Mark E. Baron

Mark E. Baron
Reg. No. 46,150
Kirkpatrick & Lockhart LLP
75 State Street
Boston, MA 02109-1808
Customer No.: 022832
Tel: (617) 261-3100
Attorneys for Applicant

Attorney Docket No.: U0003/7005

Date: October 21, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|------------|--------------------------|-----------|--------------------|
| Applicant | : John McCune Anderson | Unit | : 3762 |
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Lynne A. Falzarano
Lynne A. Falzarano

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR EXTENSION OF TIME

Sir:

A three-month extension of time is requested for response to the Office Action mailed April 21, 2004. This brings the deadline for filing the enclosed response from July 21, 2004, up to and including October 21, 2004. A check to cover the extension fee of \$490.00 is enclosed. If the fee is insufficient, please charge the balance to our deposit account No. 50-1721. A copy of this paper is enclosed for accounting purposes.

Respectfully submitted,



Mark E. Baron
Reg. No. 46,150
Kirkpatrick & Lockhart LLP
75 State Street
Boston, MA 02109-1808
Customer No.: 022832
Tel: (617) 261-3100
Attorneys for Applicant

Attorney Docket No.: U0003/7005
Date: October 21, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|------------|--------------------------|-----------|--------------------|
| Applicant | : John McCune Anderson | Unit | : 3762 |
| Serial No. | : 09/980,971 | Examiner | : George C. Manual |
| Filed | : April 12, 2002 | Conf. No. | : 3594 |
| Title | : CARDIAC DEFIBRILLATION | | |

CERTIFICATE OF MAILING

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Lynne A. Falzarano
Lynne A. Falzarano

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**AMENDMENT AND RESPONSE TO OFFICE ACTION
PURSUANT TO 37 C.F.R. §1.111**

Sir:

In response to the outstanding office action mailed April 21, 2004, response to which is due October 21, 2004, with a three-month request for extension of time, reconsideration is respectfully requested.

Amendments to the Specification are not being made with this response.

Amendments to the Claims are reflected in the list of claims which begins on page 2 of this paper.

Amendments to the Drawings are not being made with this response.

Remarks/Arguments begin on page 5 of this paper.

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (original) An apparatus for cardiac defibrillation which comprises an external circuit and an implantable circuit; the external circuit including an induction transmitting coil and signal generating means for applying radio frequency pulses of predetermined shape to the transmitting coil; the implantable circuit including an induction receiving coil for receiving pulses when the two coils are in proximity, and a rectification circuit having an input connected to the receiving coil and an output driving electrodes implantable in the heart.
2. (currently amended) An apparatus according to Claim 1, for use in atrial defibrillation, in which the power transmitted per pulse is less than about 5J and the radio frequency is in the range 3-30 MHz, ~~preferably about 7 MHz.~~
3. (original) An apparatus according to Claim 1 or Claim 2, in which the signal generating means comprises a radio frequency generator switched or gated under the control of a pulse generation and shaping means which in turn is responsive to an ecg synchronisation signal.
4. (original) An apparatus according to Claim 3, in which the ecg synchronisation signal is provided via a telemetry transmitter implanted in the patient.
5. (currently amended) An apparatus according to ~~any preceding claim~~ Claim 1, in which the external circuit further includes a telephony link by which the ecg may be transmitted to, and/or the apparatus controlled from, a remote location.

6. (currently amended) An apparatus according to ~~any preceding claim~~ Claim 1, in which the external and implantable circuits include impedance matching components to achieve a high degree of tuning.

7. (original) An apparatus according to Claim 6, in which the inductive coupling is tuned to resonance.

8. (currently amended) An apparatus according to Claim ~~8~~ 7 in which the inductive coupling is tuned to resonance by use of series resonance in the external circuit and parallel resonance in the implantable circuit.

9. (currently amended) An apparatus according to ~~any preceding claim~~ Claim 1, in which the implantable circuit contains only passive components.

10. (original) A method of cardiac defibrillation which comprises transmitting pulses of controlled shape and energy transdermally by high frequency magnetic induction to a substantially passive implanted circuit which includes electrodes implanted in the heart.

11. (original) The method of Claim 10, in which the electrodes are implanted to provide atrial defibrillation.

12. (new) The apparatus according to Claim 2 wherein said radio frequency is about 7 MHZ.

REMARKS/ARGUMENTS

Claims 2, 5-6 and 8-9 have been amended, and claim 12 has been added to the application. The amendment has been made in order to ensure compliance of this application with United States patent practice, as the present application is based upon a foreign counterpart. The amendment has also been made to correct the dependencies of the claims and to eliminate several of the multiple dependencies. The scope of the invention as embodied in the claims has not been altered.

None of pending claims 1-12 has been substantively amended, as each defines patentable subject matter in its present form.

Applicant's Invention

Applicant's invention is directed to an apparatus for delivering an electrical defibrillating signal to a human heart in the state of atrial defibrillation. The apparatus uses transdermal energy transferred from an external source to an implanted receiving device. The implanted receiving device includes an induction receiving coil for receiving the pulse from the external circuit, and a rectification circuit having an input connected to the receiving coil and an output driving electrodes implantable in the heart. Implantable atrial defibrillators have been attempted in the prior art. The complexity of these devices however often requires onboard pattern recognition with complex recording and follow-up procedures. There has also been a need for electrical charging circuitry using active devices which has added to the complexity, weight, and bulk of the implanted device. Applicants' invention provides a defibrillator capable of transferring transdermally the power necessary to stimulate a fibrillating heart in a more spatially practical embodiment.

Cited Prior Art

U.S. Patent No. 6,016,449 (Fischell et al.)

The Fischell patent is directed to a multiple electrode, closed loop system for the treatment of certain neurological diseases such as epilepsy, migraine headaches, and

Parkinson's disease. Fischell's device is directed to achieving reliable detection of the onset of a neurological event originating from a focus of limited spatial extent within the brain, and the coordination of electrical stimuli designed to terminate the neurological event immediately upon its onset. To this end, Fischell consists of a multiplicity of brain electrodes placed either within the brain, on the surface of the brain itself, or on the duro matter that surrounds the brain. A control module 20 as seen in FIG. 1 is connected to various electrodes through connectors. Fischell is specifically a responsive detection and stimulation system for the early recognition and prompt treatment of a neurological event in the brain.

U.S. Patent No. 5,697,958 (Paul et al.)

The Paul patent is directed to an apparatus and method for detecting electromagnetic interference, or noise that may disrupt the proper operation of medical devices implantable in patients, such as cardiac stimulation including pacemakers and defibrillators. The electromagnetic interference detector is implantable within a patient and includes a receiver whereby electromagnetic interference signals are received, an antenna which is part of the receiver, and a signal detector that detects the presence of the received interference signals, the detector being independent of any other circuitry of the implantable medical device. The apparatus of Paul is directed only to a detector of electromagnetic interference. After detection of such interference, a signal is output to a noise detector on a medical device.

Rejections Under 35 U.S.C. § 112

Although applicant traverses the rejection of claims 2-4 under 35 U.S.C. §112, claim 2 has been amended to correct inappropriate claim format not related to patentability. The present application is a national stage of an international application where such claim format is proper. The narrowing language, the phrase "preferably about 7 MHZ" has been removed from claim 2 in order to ensure its compliance with practice before the United States Patent Office. While the claim format was improper,

an amendment to correct its format is not one related to patentability and one of ordinary skill in the art would understand the scope of the claim.

Further, and as indicated by the examiner, this is not a narrowing amendment as it is a narrowing feature is being removed from claim 2, thus making it a more broad claim. The phrase has been added to new claim 12. Reconsideration of the rejection is respectfully requested.

Rejections Under 35 U.S.C. § 103

Reconsideration is requested of the rejection of claims 1, 10 and 11 over U.S. Patent 6,016,449 to Fischell et al. in view of U.S. Patent 5,697,958 to Paul et al. Claims 2-9, and 12 depend from claim 1 and although not subject to the rejection under 35 U.S.C. §103, are patentable by their dependence on claim 1. Fischell is designed to detect neurological activity in specific areas of the brain through electrodes and relay the information to a control module. As such, the electrodes are designed to detect neurological activity at a low level threshold, operating at levels not exceeding the mW level. As stated in the background of Fischell, such a system is not suitable for use as cardiac defibrillators which "are significantly simpler and certainly different from the requirements of a device to detect and treat an impending epileptic seizure", such as defibrillators operating at a higher power range. See col. 1, line 55 to col. 2, line 3 of Fischell.

Paul similarly is directed to an apparatus and method for detecting a signal (electromagnetic interference) which may disrupt the proper operation of the medical device implanted in a patient, such as a cardiac defibrillator.

Fischell and Paul are not properly combinable to obtain the claimed invention. Whether or not disclosures in two prior art references are properly combinable depends, generally on whether there is some teaching or suggestion in those references or elsewhere in the prior art to suggest the desirability of making the combination. The mere fact that it is possible to find two isolated disclosures having some individual features that might be combined in a manner that would result in the claimed invention

is not enough. There must be something in the prior art itself that suggests the desirability of that claimed combination. It is improper to pick and choose among the individual parts of various prior art references as a mosaic to create a facsimile of the claimed invention using the inventor's disclosure as an instruction book on how to reconstruct the prior art. To do so is impermissible hindsight reasoning. Additionally, the problem confronted by the inventor must be considered in determining whether it would have been obvious to combine the references in that manner to solve a particular problem. See *In re Fine*, 5 USPQ2d 1596, 1699 (Fed. Cir. 1998).

In the present case, Fischell discloses a system for detecting neurological disorders in selected portions of the brain. Fischell further teaches that the requirements for detection and treatment of ventricle fibrillation are significantly simpler and different from the requirements for a device to detect and treat an impending epileptic seizure. See col. 1, lines 59-63 of Fischell. Because Fischell teaches that the apparatus disclosed therein is improper to use in cardiac applications, one would not look to combine Fischell with Paul. The combination is therefore improper as Fischell expressly teaches away from such a combination.

Furthermore, even if Fischell and Paul were combinable, the combination does not anticipate or render obvious claim 1 as neither Fischell nor Paul operate at a power level suitable to be an apparatus for cardiac defibrillation as claimed. Both Fischell and Paul are directed to detection of electrical activity and as such the RF energy involved is confined to powers not exceeding the mW level. The combination of the two detection systems operating at low wattage levels therefore cannot be combined to anticipate or render obvious an apparatus for cardiac defibrillation.

Ser. No. 09/980,971
Amdt. dated October 21, 2004
Reply to Office action of April 21, 2004

Enclosed is a Petition for Three-Month Extension of Time with the required fee.
Please apply any charge or credits to deposit account 50-1721.

The application is considered to be in condition for allowance and such action is solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark E. Baron', with a long horizontal flourish extending to the right.

Mark E. Baron
Reg. No. 46,150
Kirkpatrick & Lockhart LLP
75 State Street
Boston, MA 02109-1808
Customer No.: 022832
Tel: (617) 261-3100
Attorneys for Applicant

Attorney Docket No.: U0003/7005
Date: October 21, 2004

Serial No. 09/980,971 File No. 4003/7005 By: JCH/lat

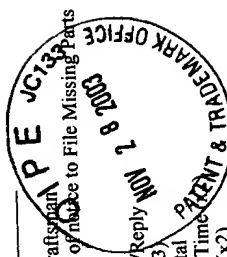
Application: John McGuire Anderson

Title: Cardiac Defibrillation

• The Following, DUE in the USPTO, was received in the PTO Mail Room on the date stamped hereon:

| | |
|---|--|
| <input type="checkbox"/> Cert. of Mailing by Express Mail (37 CFR 1.10) | <input type="checkbox"/> Inf. Discl. Statement, PTO form 1449 and References Cited |
| <input checked="" type="checkbox"/> Cert. of Mailing under 37 CFR 1.8(a) | <input type="checkbox"/> PCT Request 101 (<u> </u> sheets) |
| <input type="checkbox"/> Application for Patent Incl. (<u> </u> pages) Specification, (<u> </u> pgs) Abstract, (<u> </u> pgs) Claims, (<u> </u> # claims) | <input type="checkbox"/> Chapter II Demand |
| <input type="checkbox"/> Affidavit or (<u> </u>) Declaration/Oath | <input type="checkbox"/> PCT Fee/Calculation/Authorization Sheet |
| <input type="checkbox"/> Design Patent Application & Declaration/Oath | <input type="checkbox"/> Certificate of Service |
| <input type="checkbox"/> Drawings <u> </u> Sheet(s) (FIGS. <u> </u>) | <input type="checkbox"/> Check for \$ <u> </u> |
| <input type="checkbox"/> Formal or (<u> </u>) Informal Drawings | Check # <u> </u> |
| <input type="checkbox"/> Multiple Dependent Claim Fee Sheet | <input type="checkbox"/> Amendment |
| <input type="checkbox"/> Priority Document(s) # <u> </u> | <input type="checkbox"/> Letter to Official Draftsman |
| <input type="checkbox"/> Verified Statement to establish small entity status | <input type="checkbox"/> Declaration w/copy of notice to File Missing Parts |
| <input type="checkbox"/> Assignment | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Req. for Filing (<u> </u>) Cont. (<u> </u>) Div. Appln. under 37 CFR 1.60 | <input checked="" type="checkbox"/> Power of Attorney |
| <input type="checkbox"/> File Wrapper Contin (FWC) under 37 CFR 1.62 | <input type="checkbox"/> Motion/Opposition/Reply <u> </u> (<u> </u>) |
| <input checked="" type="checkbox"/> Other Statement under 37 C.F.R. 3.73(b): Revocation of Power of Attorney | <input type="checkbox"/> Brief (<u> </u>) |
| | <input type="checkbox"/> Issue Fee Transmittal |
| | <input type="checkbox"/> Petition for Ext. of Time |
| | <input checked="" type="checkbox"/> Transmittal Letter (x2) |

MAILED November 25, 2003 Attorney

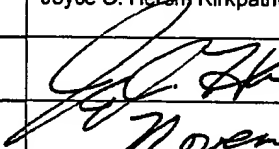


Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.


| | | | |
|---|---|------------------------|----------------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | | Application Number | 09/980,971 |
| | | Filing Date | April 12, 2002 |
| | | First Named Inventor | John McCune Anderson |
| | | Art Unit | 3762 |
| | | Examiner Name | |
| Total Number of Pages in This Submission | 5 | Attorney Docket Number | U0003/7005 |

| ENCLOSURES (check all that apply) | | |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> (1) Power of Attorney, (2) Revocation of Power of Attorney <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) ____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Statement under 37 CFR 3.73(b) Postcard |
| Remarks | | |
| The Commissioner of Patents is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1721, Reference No. U0003/7005. A duplicate of this letter is enclosed for accounting purposes. | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------|---|
| Firm or Individual name | Joyce C. Hersh Kirkpatrick & Lockhart LLP |
| Signature |  |
| Date | November 25, 2003 |

CERTIFICATE OF MAILING

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|---|---|------|---------------|
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| Typed or printed name | Joyce C. Hersh | | |
| Signature |  | Date | Nov. 25, 2003 |

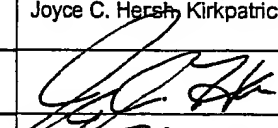
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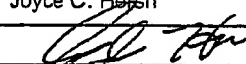
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| | | | |
|--|---|------------------------|----------------------|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | | Application Number | 09/980,971 |
| | | Filing Date | April 12, 2002 |
| | | First Named Inventor | John McCune Anderson |
| | | Art Unit | 3762 |
| | | Examiner Name | |
| Total Number of Pages in This Submission | 5 | Attorney Docket Number | U0003/7005 |

| ENCLOSURES (check all that apply) | | |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> (1) Power of Attorney, (2) Revocation of Power of Attorney <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) ____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <p style="text-align: center;">Statement under 37 CFR 3.73(b) Postcard</p> |
| Remarks The Commissioner of Patents is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1721, Reference No. U0003/7005. A duplicate of this letter is enclosed for accounting purposes. | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|---|
| Firm or Individual name | Joyce C. Heresh, Kirkpatrick & Lockhart LLP |
| Signature |  |
| Date | November 25, 2003 |

| CERTIFICATE OF MAILING | | | |
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| Typed or printed name | Joyce C. Heresh | | |
| Signature |  | Date | Nov. 25, 2003 |

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: UUTECH LimitedApplication No./Patent No.: 09/980,971Filed/Issue Date: April 12, 2002Entitled: Cardiac DefibrillationUUTECH Limited

(Name of Assignee)

a United Kingdom corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel 012801, Frame 0859, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

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☐ Additional documents in the chain of title are listed on a supplemental sheet.

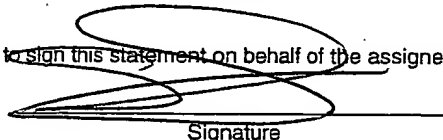
- ☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

11/11/2003

Date



Signature

Sean Nelson

Typed or printed name

MR

Title

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PTO/SB/82 (10-00)

Approved for use through 10/31/2002. OMB 0651-0035

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| REVOCATION OF POWER OF ATTORNEY OR AUTHORIZATION OF AGENT | Application Number | 09/980,971 |
| | Filing Date | April 12, 2002 |
| | First Named Inventor | John McCune Anderson |
| | Group Art Unit | 3762 |
| | Examiner Name | |
| | Attorney Docket Number | U0003/7005 |

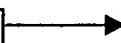
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I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Certificate under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

| | |
|-----------|-----------------|
| Name | Mr. Sean Nelson |
| Signature | |
| Date | 11/11/2003 |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

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POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

| | |
|------------------------|----------------------|
| Application Number | 09/980,971 |
| Filing Date | April 12, 2002 |
| First Named Inventor | John McCune Anderson |
| Group Art Unit | 3762 |
| Examiner Name | |
| Attorney Docket Number | U0003/7005 |

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I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Certificate under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

Name

Mr. Sean Nelson

Signature

Date

11/11/2003

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